

Chapter 47

PENSIONS

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[HISTORY: Adopted by the Borough Council of the Borough of East Washington as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Municipal Police Retirement System

[Adopted 3-14-1977 by Ord. No. 369]

§ 47-1. Participation.

The Borough of East Washington hereby elects to join the Municipal Police Retirement System, established by the Act of July 31, 1968, No. 291, and does hereby agree to be bound by all the requirements and provisions of the said Act and to assume all obligations, financial and otherwise, placed upon member municipalities by the said Act.

§ 47-2. Incorporation into law.

The Borough of East Washington does hereby incorporate the said Municipal Police Retirement Law as a part of this chapter insofar as the said Act, as amended, applies to a member municipality.

§ 47-3. Existing pension fund.

The Borough of East Washington does hereby terminate the existing police pension fund (Ordinance No. 309 of 1964) with respect to the membership of those, numbering at least 75% of all members, who have elected to join the Municipal Police Retirement System, and of the policemen employed by the Borough of East Washington on and after the effective membership entry date contained in this chapter.¹

ARTICLE II**Irrevocable Commitment of Certain State Funds Payable to Borough
[Adopted 10-20-1986 by Ord. No. 408]****§ 47-4. Certain state funds payable to Borough.**

Effective upon the adoption of this article on October 20, 1986, any state funds previously paid to and not expended or any funds payable to the Borough of East Washington, the payment of which has been withheld or prevented by action of the Auditor General of Pennsylvania pursuant to Section 1.2 of the Act of May 12, 1943 (P.L. 259, No. 120), referred to as the "Foreign Casualty Insurance Premium Tax Allocation Law," taken since January 1, 1982, will be transferred to the Police Pension Fund and are irrevocably committed to be expended only in accordance with the Foreign Casualty Insurance Premium Tax Allocation Law.

ARTICLE III**Creation of Two-Tier System; Additional Benefits for Police Officers Hired Prior to
January 1, 1989
[Adopted 15-15-1989 by Ord. No. 421]****§ 47-5. Additional benefits.**

- A. The Borough of East Washington, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to upgrade its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said article and the law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV.
- B. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all police officers of the Borough.
- C. Credit for prior service for original employees is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire. Benefits provided to members in the agreement dated May 15, 1989, shall accrue based on all credited service granted and earned in accordance with this section. The Borough

1. Editor's Note: Section 4 of Ord. No. 369 established the effective date of the plan to be 4-1-1977.

of East Washington hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

- D. Payment for any obligation established by the adoption of this chapter and the agreement between the System and the Borough of East Washington shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.
- E. As part of this chapter, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and the Borough of East Washington, dated May 15, 1989. The passage and adoption of this chapter by the Council of the Borough of East Washington is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package.
- F. The Council hereby acknowledges that an affirmative vote representing at least 75% of the previous plan members indicated the members were in agreement with the upgrade of the plan with the Pennsylvania Municipal Retirement System.
- G. The Borough of East Washington intends this chapter to be the complete authorization of the Borough plan and, therefore, specifically repeals the previous agreement and Ordinance No. 392 of the Borough of East Washington.²
- H. A duly certified copy of this chapter and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the police officers of the Borough of East Washington in the Pennsylvania Municipal Retirement System shall be effective the first day of January 1982, with the upgraded plan structure reflected in the revised agreement, dated May 15, 1989, effective the first day of January 1989.

ARTICLE IV
Nonuniform Pension Plan
[Adopted 10-16-1995 by Ord. No. 448]

§ 47-6.

East Washington Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, as amended, and does hereby agree to be bound by all the requirements and provisions of said article and the law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV.

2. Editor's Note: Ord. No. 392, adopted 2-15-1982, authorized the Borough to execute a contract with the Pennsylvania Municipal Retirement Board. In turn, this authorized the Board to provide benefits and administer the Police Pension Fund for the Borough in return for compensation. Ord. No. 393 was specifically repealed by Ord. No. 421, adopted 5-15-1989.

§ 47-7. Membership.

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

§ 47-8. Credit for prior service.

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire. Benefits provided to members in the agreement dated October 16, 1995 shall accrue based on all credited service granted and earned in accordance with this section.

§ 47-9. Payment.

Payment for any obligation established by the adoption of this article and the agreement between the System and East Washington Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

§ 47-10. Agreement.

As part of this article, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and East Washington Borough dated October 16, 1995. The passage and adoption of this article by East Washington Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. East Washington Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

§ 47-11. Repealer.

East Washington Borough intends this article to be the complete authorization of the Borough's municipal pension plan and, therefore, specifically repeals the resolution adopted on May 15, 1978.

§ 47-12. When effective. [Amended 6-7-1996 by Ord. No. 452]

A duly certified copy of this article and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of East Washington Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of April 1978, with revised plan structure reflected in the agreement dated October 16, 1995, effective the first day of January 1991.